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BOX AF  
RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Karsten HENCO, et al.

Serial No.: 08/157,195

Group Art Unit: 1807

Filed: December 8, 1993

Examiner: P. Tran

Title: PROCESS FOR THE DETERMINATION OF IN VITRO AMPLIFIED NUCLEIC ACIDS

**THIRD AMENDMENT AFTER FINAL REJECTION**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

The present amendment is submitted in order to reduce the issues on appeal, and is being filed, concurrently, with the appeal brief.

**IN THE CLAIMS:**

In claim 67, following "probe" please insert being an oligo- or polynucleotide that hybridizes with the nucleic acid, a dye that intercalates with the nucleic acid, or a combination thereof, and -.

**REMARKS**

By the present amendment, it is desired to overcome the rejection under 35 USC §112, second paragraph, of claims 67-108 based on use of the word "interacts". Entry

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B. Denny  
2-14-98

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